

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
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Marie-Laure DELACOUR et al.)	Group Art Unit: 1611
)	
Application No.: 10/614,016)	Examiner: CHANNAVAJJALA, L. S.
)	
Filing Date: July 8, 2003)	
)	
For: COSMETIC COMPOSITION HAVING)	Confirmation No.: 9511
A PASTY TO PULVERULENT)	
TEXTURE AND THE COSMETIC USE)	
THEREOF)	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

VIA EFS WEB

Sir:

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(c), Applicants bring to the attention of the Examiner the listed documents on the attached IDS Form PTO/SB/08. This Supplemental Information Disclosure Statement is being filed after the events recited in Section 1.97(b) but, to the undersigned's knowledge, before the mailing date of either a Final action, Quayle action, or a Notice of Allowance. Under the provisions of 37 C.F.R. § 1.97(c), this Supplemental Information Disclosure Statement is accompanied by a fee of \$180.00 as specified by Section 1.17(p).

Copies of the listed foreign patent documents are attached; however, pursuant to 37 C.F.R. § 1.98(a), copies of the U.S. patents and U.S. patent application publications are not enclosed. Copies of the co-pending applications and Office Actions therein are also not enclosed as they are available on the Image File Wrapper System of the United

States Patent and Trademark Office's Patent Application Information Retrieval (PAIR) system. Applicants respectfully request that the Office consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

The United States Court of Appeals for the Federal Circuit held in *Dayco Products, Inc. v. Total Containment, Inc.*, 329 F.3d 1358, 66 U.S.P.Q.2d (BNA) 1801 (Fed. Cir. 2003), that an "adverse decision" by another examiner may meet the materiality standard under the amended Rule 56, and thus, Applicants should disclose prior rejections of "substantially similar claim[s]" to the Office. *See also* M.P.E.P. § 2001.06(b). Accordingly, although Applicants are not representing that the Office Actions in the co-pending applications are material to the present application and are not admitting that any of the other claims are substantially similar, out of an abundance of caution, Applicants have listed the substantive Office Actions in co-pending applications on the attached form.

With respect to the following non-English language documents listed on the attached IDS Form PTO/SB/08, Applicants provide the following remarks:

1. **DE 196 14 637** - This document is believed to be related to U.S. Patent No. 6,063,179, which is also listed on the attached IDS Form PTO/SB/08.
2. **DE 42 25 031** - An abstract of the disclosure of this document may be found in the English language esp@cenet abstract submitted herewith.
3. **EP 0 502 769** - This document is believed to be related to U.S. Patent No. 5,223,559, which is also listed on the attached IDS Form PTO/SB/08.

4. **EP 0 571 836** - This document is believed to be related to U.S. Patent No. 5,364,467, which is also listed on the attached IDS Form PTO/SB/08.
5. **EP 0 579 091** - This document is believed to be related to U.S. Patent No. 5,401,306, which is also listed on the attached IDS Form PTO/SB/08.
6. **EP 0 708 154** - This document is believed to be related to U.S. Patent No. 5,607,504, which is also listed on the attached IDS Form PTO/SB/08.
7. **EP 0 753 545** - An abstract of the disclosure of this document may be found in the English language esp@cenet abstract submitted herewith.
8. **EP 0 768 343** - This document is believed to be related to U.S. Patent No. 5,763,086, which is also listed on the attached IDS Form PTO/SB/08.
9. **EP 0 847 751** - An abstract of the disclosure of this document may be found in the English language esp@cenet abstract submitted herewith.
10. **EP 0 912 640** - This document is believed to be related to PCT International Publication No. WO 97/46624 submitted herewith, and is also listed on the attached IDS Form PTO/SB/08.
11. **EP 0 953 330** - This document is believed to be related to U.S. Patent No. 6,451,294, which is also listed on the attached IDS Form PTO/SB/08.
12. **EP 0 972 512** - An abstract of the disclosure of this document may be found in the English language esp@cenet abstract submitted herewith.

13. **EP 1 046 692** - This document is believed to be related to U.S. Patent No. 6,423,246, which is also listed on the attached IDS Form PTO/SB/08.
14. **EP 1 082 952** - This document is believed to be related to U.S. Patent No. 6,491,932, which is also listed on the attached IDS Form PTO/SB/08.
15. **EP 1 099 437** - An abstract of the disclosure of this document may be found in the English language esp@cenet abstract submitted herewith.
16. **EP 1 195 155** - This document is believed to be related to U.S. Patent Application Publication No. 2002/0064509, which is also listed on the attached IDS Form PTO/SB/08.
17. **EP 1 382 322** - This document is believed to be related to U.S. Patent Application Publication No. 2005/0118122, which is also listed on the attached IDS Form PTO/SB/08.
18. **FR 2 794 999** - An abstract of the disclosure of this document may be found in the English language esp@cenet abstract submitted herewith.
19. **FR 2 797 877** - An abstract of the disclosure of this document may be found in the English language esp@cenet abstract submitted herewith.
20. **FR 2 848 822** - This document is believed to be related to U.S. Patent Application Publication No. 2005/0019285, which is also listed on the attached IDS Form PTO/SB/08.

21. **JP 2000-355532** - This document is believed to be related to U.S. Patent No. 6,306,411, which is also listed on the attached IDS Form PTO/SB/08.
22. **JP 2000-514423** - This document is believed to be related to PCT International Publication No. WO 98/00104 submitted herewith.
23. **JP 2001-11340** - An abstract of the disclosure of this document may be found in the English language esp@cenet abstract submitted herewith.
24. **JP 2001-207129** - An abstract of the disclosure of this document may be found in the English language esp@cenet abstract submitted herewith.
25. **JP 2001-323217** - An abstract of the disclosure of this document may be found in the English language esp@cenet abstract submitted herewith.
26. **JP 2002-138010** - An abstract of the disclosure of this document may be found in the English language esp@cenet abstract submitted herewith.
27. **JP 2003-502355** - An abstract of the disclosure of this document may be found in the English language esp@cenet abstract submitted herewith.
28. **JP 5-117127** - An abstract of the disclosure of this document may be found in the English language esp@cenet abstract submitted herewith.
29. **JP 5-17710** - An abstract of the disclosure of this document may be found in the English language esp@cenet abstract submitted herewith.
30. **JP 7-223816** - An abstract of the disclosure of this document may be found in the English language esp@cenet abstract submitted herewith.

31. **JP 7-25617** - This document is believed to be related to European Patent No. 0 624 553 submitted herewith.
32. **JP 7-258460** - An abstract of the disclosure of this document may be found in the English language esp@cenet abstract submitted herewith.
33. **JP 7-258580** - An abstract of the disclosure of this document may be found in the English language esp@cenet abstract submitted herewith.
34. **JP 8-337422** - An abstract of the disclosure of this document may be found in the English language esp@cenet abstract submitted herewith.
35. **JP 9-165532** - An abstract of the disclosure of this document may be found in the English language esp@cenet abstract submitted herewith.
36. **JP 9-188830** - An abstract of the disclosure of this document may be found in the English language esp@cenet abstract submitted herewith.
37. **JP 10-158450** - An abstract of the disclosure of this document may be found in the English language esp@cenet abstract submitted herewith.
38. **JP 10-158541** - An abstract of the disclosure of this document may be found in the English language esp@cenet abstract submitted herewith.
39. **WO 97/39066** - This document is believed to be related to U.S. Patent No. 6,063,179, which is listed on the attached form PTO/SB/08.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed

documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and Applicants determine that the cited documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the U.S. Patent and Trademark Office the relevant facts and law regarding the appropriate status of such documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

A handwritten signature in black ink, appearing to read 'M. Sweet', written over a horizontal line.

Dated: March 29, 2010

By: _____
Mark D. Sweet
Reg. No. 41,469